

**Denial of Request for Extension of
Small Refinery Temporary Exemption
Under the Renewable Fuel Standards Program For
Ergon-West Virginia, Inc.'s
Newell, WV Refinery**

**Contains Information Claimed by
Ergon-West Virginia, Inc.
To be Confidential Business Information**

Office of Transportation and Air Quality

EPA received a petition from Ergon-West Virginia, Inc. ("EWV") dated April 13, 2016, for a ^{Redacted Material Not Subject to Review} extension of the RFS small refinery exemption for EWV's Newell, West Virginia refinery for its ^{Redacted Material} 2015, and ^{Redacted Material} RFS obligations. For the reasons described herein, EPA is denying EWV's request for an extension of its RFS small refinery exemption for ^{Redacted Material} and 2015. **Redacted Material Not Subject to Review Per Court's 7/23/2020 Minute Order**

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V. Conclusion

Section 211(o)(9)(B) of the CAA and 40 CFR 80.1441(e)(2) allow EPA to grant an extension of a small refinery's exemption based on a demonstration by the small refinery of a "disproportionate economic hardship" from compliance with its RFS requirements. Based on our analysis of all of the available information about EWV, and our consultation with DOE, EPA has concluded that EWV will not experience "disproportionate economic hardship" in complying with its 2014 and 2015 RFS requirements. Therefore, EPA is hereby denying EWV's request for a temporary extension of its small refinery RFS hardship exemption for 2014 and 2015.

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